

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re: STEVEN JEFFREY CYR Debtor.	§ § § § §	CASE NO. 18-50102-cag CHAPTER 7
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**PROVISIONAL OBJECTIONS OF KEY EQUIPMENT FINANCE
TO DEBTOR'S CLAIMS TO EXEMPTIONS**

**TO THE HONORABLE CRAIG A. GARGOTTA,
UNITED STATES BANKRUPTCY JUDGE:**

Key Equipment Finance, a division of KeyBank National Association ("KEY") specifically objects to the Debtor's claims to exemptions as follows:

1. The Debtor filed this case on January 20, 2018. The Chapter 7 Trustee appointed in this case is Jose C. Rodriguez. The Debtor is married but his spouse did not join in the filing.
2. The section 341 meeting in this case was held and concluded on February 15, 2018. The current deadline for objection to Debtor's list of exempt property is March 19. Counsel for the Debtor has made some information relevant to the claimed exemptions available to the KEY. KEY is still conducting a review of the Debtor's claims to exemptions. The Trustee has filed a request for an extension of time to object and KEY files these objections as a protective act.
3. The Debtor has elected the state exemptions. KEY objects to the following claims to exemption set forth in the Debtor's "Schedule C: The Property You Claim as Exempt" filed in this case:

a. The claim to an exemption in any item of property owned by Orthopedic & Spine, LLC. Orthopedic and Spine, LLC is an entity in which the Debtor, both directly and indirectly, holds an interest. The assets of the entity are not owned personally by the Debtor. There is no provision in the Texas Property Code that creates an exemption for tangible personal property assets owned by an entity.

b. The claim to an exemption in any policy of insurance owned by an Irrevocable Life Insurance Trust. Chapter 1108 of the Texas Insurance Code does not contemplate an exemption for a policy of insurance held by an irrevocable life insurance trust.

c. The claim to an exemption in any policy of insurance owned by the “Steven and Lee Ann Cyr Trust Dated September 12, 2014” (thought to be the same revocable trust which holds title to the property for which the Debtor claims a homestead exemption). Chapter 1108 of the Texas Insurance Code does not contemplate an exemption for an insurance policy held by a trust.

d. KEY objects to the homestead exemption in the residential property located at 15 Esquire in the Dominion, San Antonio, to the extent that the value of the Debtor’s exemption exceeds \$160,375.00. Record title to the property was acquired by the Steven and LeAnn Cyr Revocable Trust within 1215 days of the commencement of the bankruptcy case [see 11 U.S.C. sec. 522(p)].

e. KEY objects to the Debtor’s interest in the Orthopedic and Spine LLC 401(k) plan. KEY is attempting to determine whether this plan is a qualified plan for purposes of the Internal Revenue Code and whether elective income deferrals of the Debtor’s income are within appropriate limits.

f. KEY reserves the right to supplement and amend these Objections.

WHEREFORE, PREMISES CONSIDERED Key Equipment Finance, a division of KeyBank National Association prays that this Court issue an order denying the Debtor's claims to the exemptions, and for such other and further relief to which The Key Equipment Finance, a division of KeyBank National Association may be justly entitled.

Dated this 19th day of March, 2018.

Respectfully submitted,

Luttrell + Carmody Law Group
One International Centre
100 N.E. Loop 410, Suite 615
San Antonio, Texas 78216
Tel. 210.426.3600
Fax 210.426.3610
luttrell@lclawgroup.net

By: /s/ Leslie M. Luttrell
Leslie M. Luttrell
State Bar No. 12708650

**ATTORNEYS FOR KEY EQUIPMENT
FINANCE, A DIVISION OF KEYBANK
NATIONAL ASSOCIATION**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was served on the following and to the parties listed on the attached service list, either by ECF electronic service or by Regular U.S. Mail on the 19th day of March, 2018:

Debtor

Steven Jeffrey Cyr
15 Esquire
San Antonio , TX 78257

Debtor's Counsel

Ronald J. Johnson
111 Soledad, Suite 1 350
San Antonio, TX 78205

Trustee

Jose C Rodriguez
342 W Woodlawn, Suite 103
San Antonio, TX 78212

Trustee's Counsel

Patrick H. Autry
Branscomb, PC
7110 Navarro, Suite 500
San Antonio, TX 78205

Parties Filing Notice of Appearance

Bexar County
c/o Don Stecker
Linebarger Goggan Blair
711 Navarro Street, Ste 300
San Antonio, TX 78205

Broadway National Bank
c/o James A. Hoffman
Clemens & Spencer
112 East Pecan Street, Suite 1300
San Antonio, Texas 78205

Firstmark Credit Union
c/o Syl Mauro
12451 Starcrest Drive
San Antonio, TX 78216

SNH NS MTG Properties 2 Trust
c/o James J. Watts and
Timothy P. Ribelin
Husch Blackwell LLP
111 Congress Ave., Ste. 1400
Austin, Texas 78701

/s/ Leslie M. Luttrell
Leslie M. Luttrell